

AMENDED IN SENATE APRIL 19, 2016

**SENATE BILL**

**No. 1347**

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**Introduced by Senator Nielsen**  
**(Coauthors: Senators Gaines, Morrell, and Stone)**  
(Coauthors: Assembly Members Gallagher and Wilk)

February 19, 2016

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An act to amend Section 4214 of the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 1347, as amended, Nielsen. Fire prevention fee: administration.

Existing law requires the State Board of Forestry and Fire Protection to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each habitable structure on a parcel that is within a state responsibility area. Existing law requires the fee moneys to be expended, upon appropriation, in specified ways, including to reimburse the State Board of Equalization's expenses incurred in the collection of the fee and to the State Board of Forestry and Fire Protection and to the Department of Forestry and Fire Protection for administration purposes, with excess money being expended only for specified fire prevention activities, as provided.

~~This bill would provide that no more than 5% of the fees moneys may be used for administrative purposes.~~

Existing law, until January 31, 2017, requires the board to submit an annual written report to the Legislature on the status of the uses of the fee moneys.

This bill would continue that requirement until January 31, 2022.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4214 of the Public Resources Code is amended to read:

4214. (a) Fire prevention fees collected pursuant to this chapter shall be expended, upon appropriation by the Legislature, as follows:

(1) The State Board of Equalization shall retain moneys necessary for the payment of refunds pursuant to Section 4228 and reimbursement of the State Board of Equalization for expenses incurred in the collection of the fee, ~~subject to the limit in subdivision (b).~~ *fee.*

(2) The moneys collected, other than those retained by the State Board of Equalization pursuant to paragraph (1), shall be deposited into the State Responsibility Area Fire Prevention Fund, which is hereby created in the State Treasury, and shall be available to the board and the department to expend for fire prevention activities specified in subdivision (d) that benefit the owners of habitable structures within a state responsibility area who are required to pay the fire prevention fee. The amount expended to benefit the owners of habitable structures within a state responsibility area shall be commensurate with the amount collected from the owners within that state responsibility area. All moneys in excess of the costs of administration of the board and the department, ~~as limited pursuant to subdivision (b),~~ *department* shall be expended only for fire prevention activities in counties with state responsibility areas.

~~(b) Not more than 5 percent of the fees collected pursuant to this chapter may~~ *The fund may also* be used to cover the costs of administering this chapter.

(c) It is the intent of the Legislature that the moneys in this fund be fully appropriated to the board and the department each year in order to effectuate the purposes of this chapter.

(d) Moneys in the fund shall be used only for the following fire prevention activities, which shall benefit owners of habitable structures within the state responsibility areas who are required to pay the annual fire prevention fee pursuant to this chapter:

(1) Local assistance grants pursuant to subdivision (e).

1 (2) Grants to Fire Safe Councils, the California Conservation  
2 Corps, or certified local conservation corps for fire prevention  
3 projects and activities in the state responsibility areas.

4 (3) Grants to a qualified nonprofit organization with a  
5 demonstrated ability to satisfactorily plan, implement, and complete  
6 a fire prevention project applicable to the state responsibility areas.

7 The department may establish other qualifying criteria.

8 (4) Inspections by the department for compliance with defensible  
9 space requirements around habitable structures in state  
10 responsibility areas as required by Section 4291.

11 (5) Public education to reduce fire risk in the state responsibility  
12 areas.

13 (6) Fire severity and fire hazard mapping by the department in  
14 the state responsibility areas.

15 (7) Other fire prevention projects in the state responsibility  
16 areas, authorized by the board.

17 (e) (1) The board shall establish a local assistance grant program  
18 for fire prevention activities designed to benefit habitable structures  
19 within state responsibility areas, including public education, that  
20 are provided by counties and other local agencies, including special  
21 districts, with state responsibility areas within their jurisdictions.

22 (2) In order to ensure an equitable distribution of funds, the  
23 amount of each grant shall be based on the number of habitable  
24 structures in state responsibility areas for which the applicant is  
25 legally responsible and the amount of moneys made available in  
26 the annual Budget Act for this local assistance grant program.

27 (f) By January 31, 2015, and annually thereafter, the board shall  
28 submit to the Legislature a written report on the status and uses of  
29 the fund pursuant to this chapter. The written report shall also  
30 include an evaluation of the benefits received by counties based  
31 on the number of habitable structures in state responsibility areas  
32 within their jurisdictions, the effectiveness of the board's grant  
33 programs, the number of defensible space inspections in the  
34 reporting period, the degree of compliance with defensible space  
35 requirements, measures to increase compliance, if any, and any  
36 recommendations to the Legislature.

37 (g) (1) The requirement for submitting a report imposed under  
38 subdivision (f) is inoperative on January 31, 2022.

1 (2) A report to be submitted pursuant to subdivision (f) shall be  
2 submitted in compliance with Section 9795 of the Government  
3 Code.

4 (h) It is essential that this article be implemented without delay.  
5 To permit timely implementation, the department may contract  
6 for services related to the establishment of the fire prevention fee  
7 collection process. For this purpose only, and for a period not to  
8 exceed 24 months, the provisions of the Public Contract Code or  
9 any other provision of law related to public contracting shall not  
10 apply.